

# New Hampshire Council on Resources and Development

Office of Energy and Planning  
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**CORD Meeting**  
**Friday, July 20, 2007**  
**Dept of Safety, Marine Patrol Building**  
**31 Dock Rd, Gilford, NH**  
**Time 9:30 A.M.**

## **FINAL AGENDA**

### **I. ROLL CALL AND INTRODUCTIONS**

### **II. MINUTES:**

- A.** Approval of CORD Meeting Minutes of May 3, 2007. Draft minutes distributed by email on July 6, 2007.

### **III. DISPOSAL OF STATE OWNED SURPLUS LAND REVIEW (SLR)**

**Note: The order in which these are taken may change at the Council's request.**

#### **A. LACONIA**

**SLR 07-005**

**Request to grant a sanitary protection easement of approximately 4 acres for 3 water wells in exchange for a forestry access ROW and 11 acres of land.**

The Department of Resources and Economic Development (DRED) requests to grant a sanitary protection easement around three wells to HT New Hampshire I, LTD. The wells serve private residences in a new development know as Windmere Ridge. The easement area consists of two areas, one providing a 200 foot protective radius around two community wells and the other a 150 foot radius around a community well. All three wells are located on the property boundary with half the required protective area falling within Paugus Bay State Forest. HT New Hampshire I, Ltd. has offered DRED a ROW creating new access for use by DRED in their forestry maintenance operations, as well as an 11 acre parcel of land adjacent to the forest, in exchange for the easement. This request was originally reviewed and approved by CORD as SLR 05-003; however, due to substantial changes from the original request, DRED has resubmitted the application for further review.

**STAFF REPORT**

**30-day review period ends June 26, 2007.**

*Administrative Services:* No comment.

*Agriculture, Markets, and Food:* No objection.

*Bureau of Emergency Management:* No comment.

*Division of Historical Resources:* Concur with protective measures to avoid stonewalls.

*Education:* No objection.

*Energy and Planning:* No comment.

*Environmental Services:* Supports the request.

*Fish and Game:* No objection.

*Housing Finance Authority:* No comment.

*Health and Human Services:* No objection.

*Resources and Economic Development:* Poses no implications for State Parks.

*Safety Services:* No objection.

*Transportation:* No comment.

*Lakes Management Advisory Committee:* Not applicable.

*Rivers Management Advisory Committee:* Not applicable.

*Public Waters Access Advisory Board:* No comment.

*State Conservation Commission:* No objection as long as there are no additional restrictions or physical constraints that would require this section of state forest land to be managed differently from the rest of the subject property. See letter on file.

*City of Laconia:* No comment.

**ACTION:** Formal vote required.

**B. NORTHFIELD**

**SLR 07-006**

**Request to grant a one-year lease of 9,700 square feet to Merrimack Valley Railroad Park Street.**

The Department of Transportation (DOT) requests to lease approximately 9,700 square feet of land to Merrimack Valley Railroad, Park Street, Northfield, NH, owner of the former Northfield Freight Station building and land it sits on. The request has been made to lease the requested area for additional storage area for passenger cars and cabooses as other land leased by the requestor for storage is at capacity. There is no room on the Freight Station side of the main tract for expansion of additional side trackage; there fore, the Railroad operators were consulted and it was determined that

a side track could be constructed on the opposite side of the main track. The lease would be solely for storage purposes and would include termination language in the event that this use would impact current and future rail use. At this time the side track has been constructed and this agreement will formalize the conditions and responsibilities specific to the use of the sidetrack.

## **STAFF REPORT**

**30-day review period ends July 16, 2007.**

*Administrative Services:* No comment.

*Agriculture, Markets, and Food:* No interest.

*Bureau of Emergency Management:* No comment.

*Division of Historical Resources:* No adverse impacts to historic resources.

*Education:* No objection.

*Energy and Planning:* Supports the request only if the agreement prohibits the citing of any kind of waste management facility and waives any defenses that federal law would pre-empt state regulation of such operations. This position is consistent with DES's letter to Representative Paul Hodes supporting HR 1248 the Clean Railroad Act. See letter on file.

*Environmental Services:* No comment.

*Fish and Game:* No objection.

*Housing Finance Authority:* No comment.

*Health and Human Services:* No objection.

*Resources and Economic Development:* No comment.

*Safety Services:* No objection.

*Transportation:* No comment.

*Lakes Management Advisory Committee:* Not applicable.

*Rivers Management Advisory Committee:* Recommends approval with the conditions that the lease be for the sole purpose of storing railroad passenger cars and cabooses and will expire in one year. Additionally that a penalty will be assessed, based on a consultation with DOT, due to the benefit derived from the public trust without prior approval. See letter on file.

*Public Waters Access Advisory Board:* No comment.

*State Conservation Commission:* Recommends disposal in the form of a one-year lease. The SCC expressed concern that this use was allowed on publicly owned land without oversight or enforcement action and compensation to the State. SCC requests a fine or retroactive lease fee be levied on the lessee. See letter on file.

*Merrimack County Board of Commissioners:* No interest.

*Town of Northfield:* The Town of Northfield offered the following comments and concerns:

- The facility is an asset to the rural character of both Northfield and Tilton.
- The property owners received planning board site plan review approval for the building.
- Any expansion of a non-residential use on the site would require that they apply for site plan approval.
- Request that no overnight “camping” or temporary living arrangements are allowed.
- Request that railroad events be prohibited from blocking the intersection of Gibson Mill Road as it prevents access to the adjacent public part and prevents access to emergency rescue vehicles.

See letter on file.

**ACTION:** Formal vote required.

**C. LEBANON**

**SLR 07-007**

**Request to sell approximately 16,500 square feet of land in Lebanon to Howard Laware, Railroad Avenue, Lebanon, NH.**

The Department of Transportation (DOT) requests to sell approximately 16,500 square feet of land in Lebanon to Howard Laware on Railroad Avenue. Mr. Laware is the owner of the former barracks building in the railroad yard and has leased the land under and surrounding the building since his father purchased the building from the Boston and Maine Corporation. Mr. Laware and his family have asked to purchase the land under the building, along with sufficient surrounding area for a driveway and yard in order to make the long standing lease arrangement permanent and facilitate future improvements and repairs to the building. DOT reports the parcel is a sufficient distance from the railroad main line track and sidings to maintain current and future railroad operations.

**STAFF REPORT**

**30-day review period ends July 20, 2007.**

***Administrative Services:*** No comment.

***Agriculture, Markets, and Food:*** No objection.

***Bureau of Emergency Management:*** No comment.

***Division of Historical Resources:*** No comment.

***Education:*** No objection.

***Energy and Planning:*** No comment.

***Environmental Services:*** No objection however, if the site is serviced by well and septic the lot would be non-conforming with the 30,000 minimum lot size Subsurface Systems Bureau requirement. If the lot is serviced by municipal water and sewer the concern is moot. No information was available to determine if there is any residual railroad contamination on the lot. See letter on file.

***Fish and Game:*** No objection.

**Housing Finance Authority:** No comment.

**Health and Human Services:** No objection.

**Resources and Economic Development:** No objection.

**Safety Services:** No objection.

**Transportation:** No comment.

**Lakes Management Advisory Committee:** Not applicable.

**Rivers Management Advisory Committee:** Recommends approval.

**Public Waters Access Advisory Board:** No comment.

**State Conservation Commission:** No objections but questions whether selling rather than leasing would be prudent and in the State's best interest. See letter on file.

**City of Lebanon:** Requests the application be tabled until the September CORD meeting as the City may have an interest in acquiring the property due to its proximity to the Westboro property where the City is working with the State to clean up and acquire 8 acres. The City would like additional time to investigate feasibility and local interest and be able to speak at the next CORD meeting. See email on file.

**ACTION:** Formal vote required.

**D. NEW CASTLE**

**SLR 07-008**

**Request to grant a 25-year lease with an option for a 25-year extension for the Mines Building and surrounding area, totaling 7,500 square feet, at Fort Constitution.**

The Department of Resources and Economic Development (DRED) has received a request from the UNH Marine Program for a 25 year lease for the Mine Building and surrounding area at the Fort Constitution Historic Site. DRED has had an ongoing agreement with the UNH Marine Program to use the building and some space adjacent to it. Because UNH intends to build an addition to the facility and make additional investments, both parties concur that a longer term agreement is needed. The building and proposed plans were submitted to CORD with the surplus land request.

**STAFF REPORT**

**30-day review period ends August 10, 2007.**

**Administrative Services:** No comment.

**Agriculture, Markets, and Food:** No interest.

**Bureau of Emergency Management:** No comment.

**Division of Historical Resources:** No comment.

**Education:** No objection.

**Energy and Planning:** No comment.

***Environmental Services:*** No objection.

***Fish and Game:*** No objection.

***Housing Finance Authority:*** No comment.

***Health and Human Services:*** No objection.

***Resources and Economic Development:*** No comment.

***Safety Services:*** No comment.

***Transportation:*** No comment.

***Lakes Management Advisory Committee:*** Not applicable.

***Rivers Management Advisory Committee:*** Not applicable.

***Public Waters Access Advisory Board:*** No comment.

***State Conservation Commission:*** No comment.

***Town of New Castle:*** No comment.

**ACTION:** Formal vote requested.

**E. CONCORD**

**SLR 07-009**

**Request to sell a 12,000 square foot warehouse with office space and .55 acres of land in Concord.**

The Department of Resources and Economic Development (DRED) has recently received funding through the State's Capital Budget for a new warehouse, based on DRED being able to sell its existing Concord warehouse. The current building has serious safety concerns, is very energy inefficient, and DRED has outgrown the size of the building. The building was recently appraised to have a market value of \$332,000, which is needed to help fund the construction of a new warehouse at Bear Brook State Park. The existing warehouse is 12,000 square feet and is situated on a .55 acre lot on Langdon Street. Concord Trailways has expressed interest in purchasing the property to expand their bus service center.

**STAFF REPORT**

**30-day review period ends August 10, 2007.**

***Administrative Services:*** No comment.

***Agriculture, Markets, and Food:*** No comment.

***Bureau of Emergency Management:*** No comment.

***Division of Historical Resources:*** No comment.

***Education:*** No objection.

***Energy and Planning:*** No comment.

***Environmental Services:*** No concerns so long as future owners are aware there was a petroleum spill on the site in 1991 and the property is subject to long-term

groundwater monitoring. A Groundwater Management Permit was issued to NH DRED in 2006 for the site and is now in effect. DES feels that the warehouse's continued use can coexist with ongoing onsite groundwater monitoring. See letter on file.

***Fish and Game:*** No objection.

***Housing Finance Authority:*** No comment.

***Health and Human Services:*** No objection.

***Resources and Economic Development:*** No comment.

***Safety Services:*** No comment.

***Transportation:*** No comment.

***Lakes Management Advisory Committee:*** Not applicable.

***Rivers Management Advisory Committee:*** Not applicable.

***Public Waters Access Advisory Board:*** No comment.

***State Conservation Commission:*** No comment.

***City of Concord:*** No comment.

**ACTION:** Formal vote requested.

#### **IV. OLD BUSINESS**

**A. Mapping State Owned Lands.** Update on progress made by Environmental Services, Resources and Economic Development, Fish and Game, and Transportation to identify all state owned lands in proximity to water bodies in response to the request made by the Governor's office.

**B. Legislation.**

- i. HB 813:** relative to the management of the land conservation investment program monitoring endowment, has passed and been signed by the Governor.
- ii. HB 710:** Assign a representative of CORD to the newly established commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters.

#### **V. NEW BUSINESS**

**A. Discussion of the environmental impacts upon lakes from the leasing of surplus lands.** Open discussion to better understand the existing and potential impacts of leasing state owned land adjacent to the State's rivers and lakes and related topics to be considered by the newly formed HB 710 legislative commission.

**VI. CORD 2007 PROPOSED MEETING SCHEDULE**

September 6, 2007  
November 1, 2007

*All meetings will be held at the Office of Energy and Planning, 57 Regional Drive, Concord, NH, unless otherwise noticed. Meetings begin at 9:30 AM.*

**VII. ADJOURNMENT**